

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDRITE CARE, LLC, MEDRITE 22ND LLC, MEDRITE 72 LLC, MEDRITE BH LLC, MEDRITE MIDTOWN WEST LLC, and HENRY WEISS individually and derivatively on behalf of MEDRITE CARE, LLC, MEDRITE 22ND LLC, MEDRITE 72 LLC, MEDRITE BH LLC and MEDRITE MIDTOWN WEST LLC,

Plaintiffs,

-against-

MEDRITE 243 LLC, MEDRITE EAST SIDE LLC MEDRITE HAVERSTRAW LLC, MEDRITE HOLDINGS LLC, MEDRITE LLC, MEDRITE MANAGEMENT LLC, MEDRITE MTVERNON LLC, MEDRITE MYRTLE LLC, MEDRITE NYC LLC, MEDRITE SPRING VALLEY LLC, NEW MEDRITE CARE NEW YORK INTERNATIONAL LLC, MEDRITE 41 LLC, MEDRITE MEDICAL CARE, PA, SUPREME MEDICAL MANAGEMENT LLC and SAMUEL FISHMAN a/k/a SAMUEL FISCH,

Defendants

-and-

MEDRITE CARE, LLC, MEDRITE 22ND LLC, MEDRITE 72 LLC, MEDRITE BH LLC, and MEDRITE MIDTOWN WEST LLC,

Nominal Defendants.

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1:20-cv-3456 (MKV)

ORDER DENYING TEMPORARY
RESTRAINING ORDER
AND PRELIMINARY INJUNCTION

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of Defendants' "emergency application" for injunctive relief and all related filings [ECF #28, 29, 30, 31, 35, 38, 39, 40]. The Court is also in receipt of Plaintiffs'

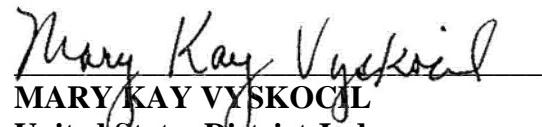
letter motion renewing their request for the injunctive relief that the Court previously denied [ECF #41]. The Court assumes familiarity with the background facts and procedural history of this case.

As Defendants argued in successfully opposing Plaintiffs' earlier motion for injunctive relief, the alleged misappropriation of company assets and violations of the terms of their business' Operating Agreement can be compensated by money damages [ECF #23 (Transcript of May 7, 2020 Proceedings) at 23; ECF #17 (Opinion and Order dated May 8, 2020) at 4–5]. Defendants therefore cannot demonstrate irreparable harm and are not entitled to extraordinary relief. *See Faiveley Transp. Malmo AB v. Wabtec Corp.*, 559 F.3d 110, 118 (2d Cir. 2009); *CMG Holdings Grp. v. Wagner*, No. 15-cv-5814 (JPO), 2016 WL 4688865, at *10 (S.D.N.Y. Sept. 7, 2016). The alleged altercation between Weiss and Fisch discussed in the letters that the parties filed today, [ECF #40, 41] and any attendant criminal repercussions, have no bearing on the matter before this Court. Accordingly, Defendants' and Plaintiffs' applications for injunctive relief are DENIED.

The parties are admonished that any further unfounded applications for emergency relief may result in sanctions.

SO ORDERED.

Date: May 22, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge